

**FILED**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

SEP 18 2018

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

TROY X. KELLEY,

Defendant-Appellant.

No. 18-30153

D.C. No.  
3:15-cr-05198-RBL-1

Western District of Washington,  
Tacoma

ORDER

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

TROY X. KELLEY,

Defendant-Appellee.

No. 18-30174

D.C. No.  
3:15-cr-05198-RBL-1

Before: CLIFTON and N.R. SMITH, Circuit Judges.

Appellant Troy X. Kelley's motions for leave to file an oversize motion for bail pending appeal and oversize reply in support thereof are granted (Docket Entry Nos. 2, 6 in 18-30153). The motion for bail pending appeal and the reply in support thereof have been filed.

Appellee's motion for leave to file an oversize response to appellant's motion for bail pending appeal is granted (Docket Entry No. 4 in 18-30153). The

response has been filed.

This appeal is remanded to the district court for the limited purpose of enabling that court to state, orally or in writing, the reasons for its order denying appellant's motion for bail pending appeal. *See* 18 U.S.C. § 3143(b); Fed. R. App. P. 9(b); *United States v. Wheeler*, 795 F.2d 839, 841 (9th Cir. 1986) (order).

The district court shall provide the oral or written statement within 10 days after the date of this order. *See Wheeler*, 795 F.2d at 841. Appellant may file a supplemental memorandum in support of the motion for bail pending appeal within 10 days after the filing date of the district court's statement. Appellee may file its response within 10 days after service of appellant's supplemental memorandum. Appellant's optional reply is due within 7 days after service of the government's response.

The cross-appeal briefing schedule previously established in appeal No. 18-30174 remains in effect.

The Clerk shall serve this order on the district judge.